

REMARKS

As a preliminary matter, a replacement Fig. 2 is being submitted herewith to overcome the drawings objection.

Claims 1-8 are all the claims pending in the present application. In summary, the Examiner substantially maintains the previous rejections set forth in the previous Office Action, however the Examiner changes the anticipation rejections of claims 2 and 8 into an obviousness rejection. Specifically, claims 2 and 8 are now rejected under 35 U.S.C. § 103(a) as allegedly being anticipated by Fisher (U.S. Patent No. 4,931,805). Claims 1, 3-5, and 7 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fisher in view of Baratono (U.S. Patent No. 6,549,793). Claim 6 remains rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fisher in view of Baratono and further in view of Wunderlich (U.S. Patent No. 4,931,806).

§ 102(b) Rejections (Fisher) - Claims 2 and 8

Claims 2 and 8 are rejected based on the reasons set forth on pages 4-5 of the present Office Action. Applicant previously argued that the present invention, as recited in claim 2 for example, is directed to a dedicated short-range communications (DSRC) on-board unit, and that there is no mention of DSRC anywhere in Fisher. In response, the Examiner alleges:

DSRC merely refers to a type of device which is a subset of RFID used for short-range vehicle applications. Further, DSRC is still irrelevant to the proposed invention, as a DSRC device would be equivalent to any other device with a like communications structure, such as the ones in the reference. Applicant's proposed invention is directed to the application of the adhesive, and DSRC would only be relevant to signaling, which would not affect the adhesive.

In response, Applicant submits that § 2141 of the MPEP requires that when applying 35 U.S.C. § 103, the claimed invention must be considered as a whole. Here, the Examiner

appears to dismiss the claimed feature of the dedicated short range communications onboard unit, as recited in the body of claim 2, since the Examiner alleges that this feature is satisfied without showing that Fisher teaches or suggests this feature. To dismiss this particular claimed feature would be dismiss the requirement that the claimed invention be considered as a whole. Since Fisher clearly does not disclose or suggest DSRC anywhere therein, Applicant maintains that Fisher does not disclose or suggest at least the above quoted feature of claim 2, and respectfully requests that the rejection of claim 2 over Fisher be withdrawn.

With respect to claim 8, Applicant previously argued that Applicant is unsure of what the Examiner believes to be the alleged protruding portion in Fisher that corresponds to the claimed protruding portion. Further, Applicant argued that there is no protruding portion that is engaged with the adhesive material only on a circumferential side of the protruding portion. In response, the Examiner simply alleges:

Further, Fisher does disclose the adhesive only on the circumferential (outside perimeter) portion as cited.

In response, Applicant submits that even if, *arguendo*, Fisher discloses the adhesive only on the circumferential (outside perimeter), there is no disclosure or suggestion of the specific feature of a protruding portion that is engaged with the adhesive material only on a circumferential side of the protruding portion. Furthermore, the Examiner still fails to identify the component of Fisher that allegedly corresponds to the claimed protruding portion. At least based on the foregoing, Applicant maintains claim 8 is patentably distinguishable over Fisher.

§ 103(a) Rejections (Fisher/Baratono) - Claims 1, 3-5, and 7

With respect to claim 1, Applicant submits that this claim is patentable at least based on reasons similar to those set forth above with respect to claim 2. Baratono does not make up for the deficiencies of Fisher.

Applicant submits that dependent claims 3-5 and 7 are patentable at least by virtue of their dependencies from independent claim 1.

Further, with respect to claim 7, Applicant submits that claim 7 is patentable at least based on reasons similar to those set forth above with respect to claim 8. Baratono does not make up for the deficiencies of Fisher.

§ 103(a) Rejection - (Fisher/Baratono/Wunderlich) - Claim 6

Applicant submits that dependent claim 6 is patentable at least by virtue of its dependency from independent claim 1. Wunderlich does not make up for the deficiencies of the other applied references.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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